



Frequently Asked Questions

General Permit Coverage and Termination for the Nuisance Plant and Algae NPDES Permit

Coverage Issues

Q. Who needs coverage under this NPDES Permit?

A. Anyone discharging pesticides into surface waters in Washington State needs coverage under a National Pollutant Discharge Elimination System permit from the Department of Ecology. This general permit covers aquatic nuisance plant and algae control activities that discharge herbicides or algaecides into surface waters of the state of Washington. It also covers indirect algae control through addition of aluminum sulfate to control phosphorus. However, weed control activities using herbicides that are conducted on seasonally dry land surfaces where the bio-available active ingredient does not persist at time of water return need not be covered under this permit.

Q. How do I obtain coverage?

A. Fill out an application online at:

www.ecy.wa.gov/programs/wq/pesticides/index.html The steps are as follows:

Step 1. Before applications of herbicides can be made directly to the water, consult with Washington State National Heritage Data System for the presence of rare, threatened, or endangered plants in the proposed treatment area, using the contact information below:

Sandy Swope Moody
Washington Natural Heritage Program
Department of Natural Resources
P.O. Box 47014
Olympia, WA 98504-7014
Phone: 360-902-1667
Fax: 360-902-1789
E-mail: sandra.moody@wadnr.gov
www.wa.gov/dnr/htdocs/fr/nhp/wanhp.html

If rare, threatened, or endangered plants are present in the proposed treatment area, a detailed plant survey performed by a professional aquatic biologist or wetland specialist must be submitted with the application. If the plant survey confirms the presence of rare, threatened, or endangered plants, a treatment plan to prevent harm to these plants must also be submitted with the application.

Step 2. Begin first public notice (see Step 4 for what to include). Notify Ecology by submitting a completed application form requesting coverage under this permit at least 38 days prior to the activity that will result in the discharge to waters of the state. The application must contain a copy of the public notice and the expected date of the second publication.

Step 3. Publish the second notice at least one week after the first notice, in a local newspaper of general circulation. The notice shall state that an application for coverage

has been made pursuant to Section 173-226-130(5) WAC. The date of second publication constitutes completion of public notice. The thirty-day comment period starts on the date of second publication.

Step 4. For coverage on a year-to-year basis, the public notice shall include:

- a. Names of the applicant(s);
- b. Water body name, size, and location;
- c. Approximate date(s) of treatment;
- d. Chemicals to be used and the approximate acreage to be treated;
- e. Statement that any water use restrictions or precautions will be posted near the treatment area;
- f. Availability of the application for review and comment, and the name and date of that plan.

Ecology intends to notify applicants by mail of their status concerning coverage under the permit. If the applicant does not receive notification of the coverage decision from Ecology, coverage under this permit will commence on the 38th day following Ecology's acceptance of an application form or publication of the second public notice, whichever occurs later.

Sample Newspaper Notice

(Public Notice or Legal Section)

ABC Irrigation District, 555 Sixth Ave NE, Anytown WA 98000 is seeking coverage under the Washington Department of Ecology's NPDES General Permit for Aquatic Weed Control in Irrigation Systems that flow to natural surface waters of the state. The Kerry Irrigation System is located in Thurston County and (describe area such as miles, near or in city, who the system serves, etc). The chemicals proposed for use are (insert product and active ingredient) to control vegetation growth during the month(s) of (enter specific month(s)). The receiving water(s) will be (enter receiving water). Anyone wishing to present their views to the Department of Ecology concerning this application may notify Ecology in writing within 30 days of the last date of publication of this notice. Comments may be submitted to: Dept. of Ecology, Aquatic Pesticides Unit, P.O. Box 47696, Olympia, WA 98504-7696.
(Dates of publication in the (name of newspaper), July 21 & July 28, 2001.)

Q. If coverage under the nuisance plant permit is issued for one season, does a SEPA review have to be completed for coverage again for the next season, even though nothing significant has changed since 2002?

A. No, a second SEPA review is not necessary. Regulation exempts reissuance or modification of any wastewater discharge permit from the State Environmental Policy Act (SEPA) process as long as the permit contains conditions no less stringent than federal effluent limitations and/or state rules and regulations. The exemption applies only to existing discharges, not new discharges. To conform with the intent of SEPA, a new, unpermitted discharge must undergo SEPA review during the permitting process.

Q. If coverage under the nuisance permit has been issued for a treatment season, will the permittee have to resubmit nuisance permit applications for the next treatment season to treat nuisance plants and algae?

A. Yes. Without an approved vegetation management plan, coverage is granted year to year. An annual application will not be needed if there is a plan that lays out coverage scenarios for several years. See more on planning below.

Integrated Aquatic Vegetation Management Plans (IAVMP)

Q. Do permittees need an Ecology-approved vegetation management plan?

A. Yes, if they want to continue treating under the permit. Only two treatment coverages will be granted within the five-year permit cycle before a plan is required for further coverage.

Q. Is there an IAVMP format or guidance we can use?

A. Yes, it is available online at: www.ecy.wa.gov/programs/wq/links/plants.html More guidance is being developed and will be available soon. If you do not have access to the Internet, planning guidance is available from Ecology staff listed below.

Permit Fees

Q. How much will I pay for permit coverage?

A. Aquatic pest control permits fees are \$300 for fiscal year (July 1- June 30) 2003 and \$310 for fiscal year 2004. For updated information, see:
www.ecy.wa.gov/programs/wq/permits/permit_fees/index.htm

Q. If permittees who received coverage under the nuisance permit in a treatment season opt not to have any treatment for nuisance plants and algae in the next treatment season, will they be billed for the next season?

A. Yes, *unless* they terminate their coverage with a Notice of Termination form before June 30. If they terminate coverage before June 30, they will not be billed. This form is available from your regional office (see contact information below) and on Ecology's website at www.ecy.wa.gov/biblio/ecy100300.pdf

For more information, please contact your nearest regional office:

Ray Latham
Washington State Department of Ecology
Central Regional Office
15 West Yakima Avenue, Suite 200
Yakima, WA 98902
Telephone: (509) 575-2807
TTY number is 711 or 1-800-833-6388
E-mail: rlat461@ecy.wa.gov
FAX (509) 575-2809

Tricia Shoblom
Washington State Department of Ecology
Northwest Regional Office
3190-160 th Ave. S.E.
Bellevue, WA 98008-5452
Telephone: 425-649-7288
TTY number is 711 or 1-800-833-6388
E-mail: tsho461@ecy.wa.gov
FAX (206) 649-7098

Nancy Weller
Washington State Department of Ecology
Eastern Regional Office
North 4601 Monroe, Suite 202
Spokane, WA 99205
Telephone: (509) 625-5194
TTY number is 711 or 1-800-833-6388
E-mail: nwel@ecy.wa.gov
FAX (509) 456-6175

Kerry Carroll
Washington State Department of Ecology
Southwest Regional Office
PO Box 47775
Olympia, WA 98504-7775
Telephone: (360) 407-6294
TTY number is 711 or 1-800-833-6388
E-mail: kcar461@ecy.wa.gov
FAX (360) 407-6305

State Agency application questions go to:

Kathleen Emmett
Washington State Department of Ecology
Water Quality Program
PO Box 47600
Olympia, WA 98504-7600
Telephone 360-407-6478
Fax 360-407-6426
kemm461@ecy.wa.gov

Ecology Website for aquatic pesticide permits information: www.ecy.wa.gov/programs/wq/pesticides/index.html

Ecology is an equal opportunity agency. If you have special accommodation needs, please call Felecia Phillips-Curtis, EEO Manager, (360) 407-6199. The TTY number is 711 or 1-800-833-6388. Email may be sent to fcur461@ecy.wa.gov